



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE December 2, 2005 EFFECTIVE DATE December 16, 2005	CONTACT/PHONE Michael Conger (805) 781-5136	APPLICANT Darrell M. Stafford	FILE NO. DRC2005-00036
SUBJECT Hearing to consider a request by Darrell M. Stafford for a Minor Use Permit to waive the size limitation for a secondary unit and allow the installation of a 1,200 square foot mobile home on a 2.3 acre parcel with an existing single family residence. The proposed project is within the Residential Suburban land use category and is located at 539 Winterhaven Way, approximately 465 feet south of Callender Road in the community of Callender-Garrett. The site is in the South County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00036 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on October 25, 2005			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-401-022	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None <i>Does the project meet applicable Planning Area Standards: None</i>			
LAND USE ORDINANCE STANDARDS: Residential Density; Height Measurement; Setbacks; Residential Mobile Homes; Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on December 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single Family Residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Residential Suburban/ Residential East: Residential Suburban/ Residential</i> <i>South: Residential Suburban/ Residential West: Residential Suburban/ Residential</i>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, CDF, City of Arroyo Grande			
TOPOGRAPHY: Level		VEGETATION: Grasses, forbs, ornamental landscape	
PROPOSED SERVICES: Water supply: Shared well (on-site) Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire		ACCEPTANCE DATE: October 25, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

DISCUSSION

LAND USE ORDINANCE STANDARDS:

Permitted Use, Residential Density – Mobile Homes and Secondary Dwellings are both allowable uses in the Residential Suburban (RS) land use category, subject to the special use conditions described later in this report.

Property Development Standards – The following table summarizes the applicable general property development and operating standards described in Chapter 10 of the Land Use Ordinance:

Standards	Description	Required	Proposed	Status
Height	Residential Suburban	35 feet	15 feet	Meets Standard
Site Area	Single Family Residential with On-site Well, Septic	1 acre	2.3 acres	Meets Standard
Front	Standard Requirement	25 feet	95 feet	Meets Standard
Rear	1 acre or more	30 feet	177 feet	Meets Standard
Side	1 acre or more in VRL	30 feet	119 feet (north) 160 feet (south)	Meets Standard
Interior	Accessory Building	6 feet	44 feet	Meets Standard

As proposed, the project meets the property development standards of the Land Use Ordinance.

Residential Mobile Homes – The following standards are required for mobile homes outside of mobile home parks used as permanent dwellings:

Location – Mobile homes must be certified under the National Manufactured Housing Construction and Safety Act of 1974, and installed on a permanent foundation or foundation system in compliance with the California Health and Safety Code. As proposed and conditioned, the project meets this standard.

Design Standards – Exterior siding shall consist of non-reflective materials designed to resemble wood, stucco, rock, masonry, or concrete block. Roofs shall consist of non-reflective materials designed to resemble wood shake, wood or composition shingles, tile, rock, sod, or metal with baked-on color. Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure. As proposed and conditioned, the project meets these standards.

Secondary Dwellings – The following standards apply to secondary residential dwellings:

Accessory Unit Only – A secondary unit shall be accessory to a primary dwelling and shall not be established on a site containing a guesthouse or more than one dwelling unit. The project site contains one primary unit. As proposed and conditioned, the project meets this standard.

Restricted Occupancy – The owner of the site shall agree to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant shall record a notice against the property notifying any subsequent purchaser of this requirement. As proposed and conditioned, the project meets this standard.

Limitation on Location – The proposed secondary dwelling unit is located in the Callender-Garrett village area, which is not a specified area where secondary dwellings are prohibited.

Minimum Access – The proposed project site has frontage on a County-maintained road.

Minimum Site Area – The minimum site area for parcels served by on-site water supply and sewage disposal systems is one acre (net). The proposed project site is approximately 2.3 acres.

Maximum Floor Area – The maximum floor area for sites under 5 acres served by on-site water supply and sewage disposal systems is 800 square feet. The applicant has requested a waiver of this standard to allow a secondary dwelling of 1,200 square feet.

Maximum Distance – The maximum separation between the primary and secondary unit on sites under 5 acres served by on-site water supply and sewage disposal systems is 50 feet. The proposed separation distance is 44 feet. As proposed, the project meets this standard.

Design – The secondary unit shall use the same design style as the primary unit. As proposed and conditioned, the project meets this standard.

Parking – One additional off-street parking space shall be provided. The project site has sufficient off-street parking to accommodate this requirement.

STAFF COMMENTS:

Neighborhood Compatibility:

The area is zoned Residential Suburban and consists primarily of parcels ranging in size from 1.9 to 2.6 acres. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property. The proposed secondary unit is conditioned to use exterior finish, and roofing materials and colors that are consistent with the primary residence and surrounding neighborhood.

Size Waiver Request:

The proposed secondary dwelling is located directly behind the main residence on a level portion of the project site. Increasing the square footage from 800 to 1,200 square feet will not significantly increase the amount of site disturbance and will not involve any vegetation removal. Further, drainage and sedimentation and erosion control impacts will not be increased significantly with the additional 400 square feet.

POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-income housing for family members or as rental units. When considering size waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. For this particular project, no significant vegetation is located on the site. With regard to drainage, Public Works reviewed the project and did not indicate any significant concerns.

COMMUNITY ADVISORY COUNCIL COMMENTS:

This project was reviewed by the Nipomo Community Advisory Committee (NCAC) on September 26, 2005. At that time, the NCAC voted 11-1 to recommend denial based on standards adopted by the Secondary Dwelling subcommittee. These standards include limitation on secondary dwelling size to 800 square feet on parcels under 2.5 acres.

As proposed and conditioned, with the requested modification, the secondary dwelling meets the standards of the Land Use Ordinance. Staff has visited the site and has concluded that the site is able to accommodate the proposed development. The subject site is located along a paved, county-maintained road. Because the site is level, only minimal ground disturbance would be required for the secondary unit. Additionally, the siting of a secondary unit at this location would not cause impacts on any significant biological resources.

AGENCY REVIEW:

Public Works – No concerns

CDF – As of October 25, 2005, no comments have been received.

City of Arroyo Grande – No comment

LEGAL LOT STATUS:

The one lot was legally created by a recorded map (CO 74-238), recorded January 28, 1977 in Book 22 Page 18 of Parcel Maps.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the installation of a secondary dwelling in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed secondary dwelling unit does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling unit is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Winterhaven Way, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the maximum floor area for secondary dwellings from 800 square feet to allow a secondary dwelling of 1200 square feet is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of sufficient land area to accommodate development of such a facility in accordance with the general property development standards of the Land Use Ordinance, and consistency with development in the surrounding neighborhood.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the following:
 - a. the modification of the 800 square foot secondary unit size limitation to allow the installation of a 1,200 square foot mobile home on a 2.3 acre site, in conformance with the submitted plans.
 - b. maximum height is 15 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit revised architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Consistency – The secondary unit shall reflect the character of the primary dwelling unit. Colors and materials shall be consistent with the existing residence and the surrounding neighborhood.
 - b. Siding materials – Exterior siding, including windows, shall consist of non-reflective materials designed to resemble wood, stucco, rock, masonry, or concrete block
 - c. Roofing materials – Roofs (excluding skylights) shall consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with baked-on color.
 - d. Roof overhang – Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, the applicant shall provide the County Planning and Building Department with a Fire Safety Plan approved the CDF/County Fire Department.

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

6. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

9. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

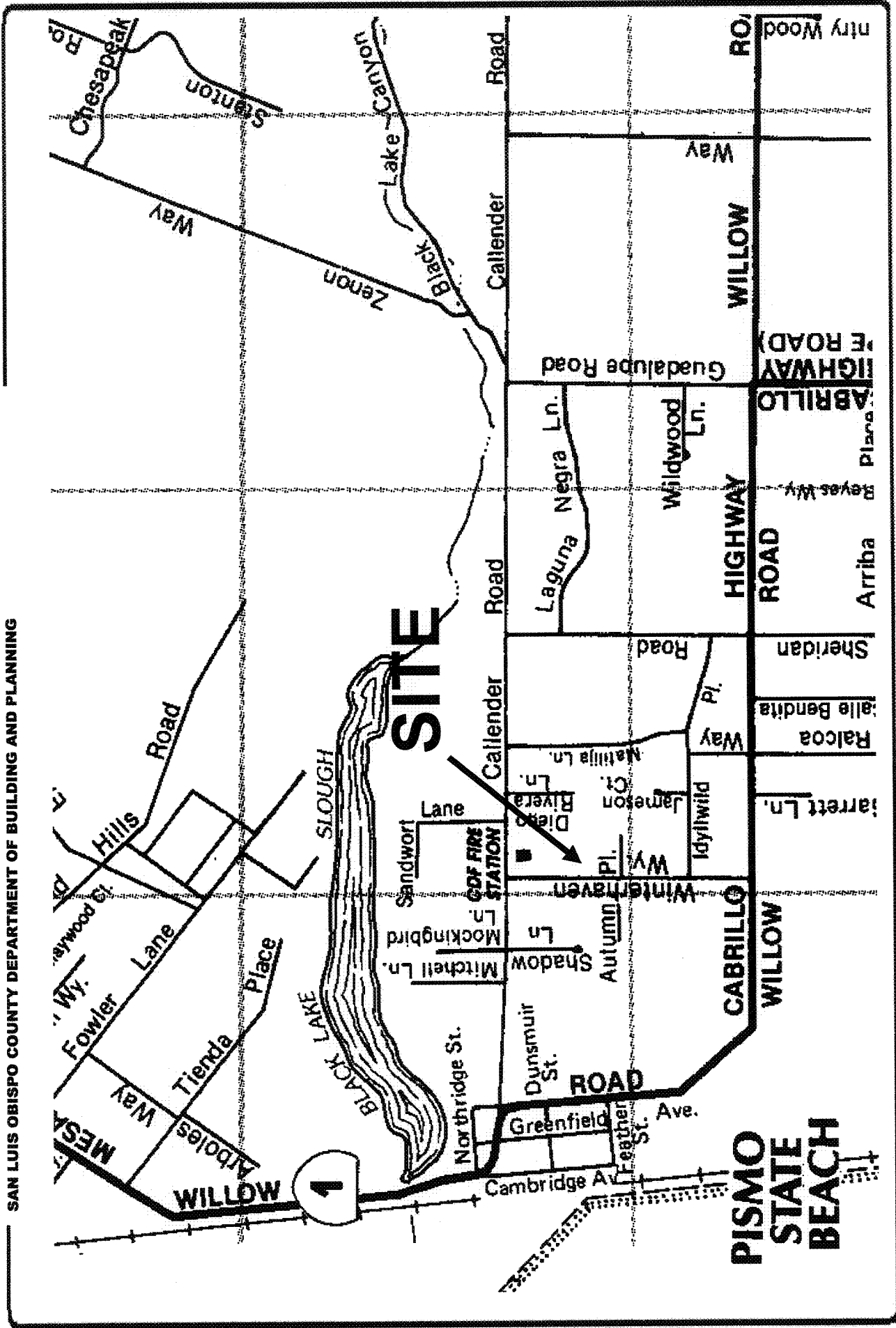
Conditions to be completed prior to occupancy or final building inspection /establishment of the use

10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
11. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PROJECT

Minor Use Permit
Stafford DRC2005-00036

EXHIBIT

Vicinity Map



[illegible]

WTS

Minor Use Permit
Stafford DRC2005-00036



Land Use Category



SITE

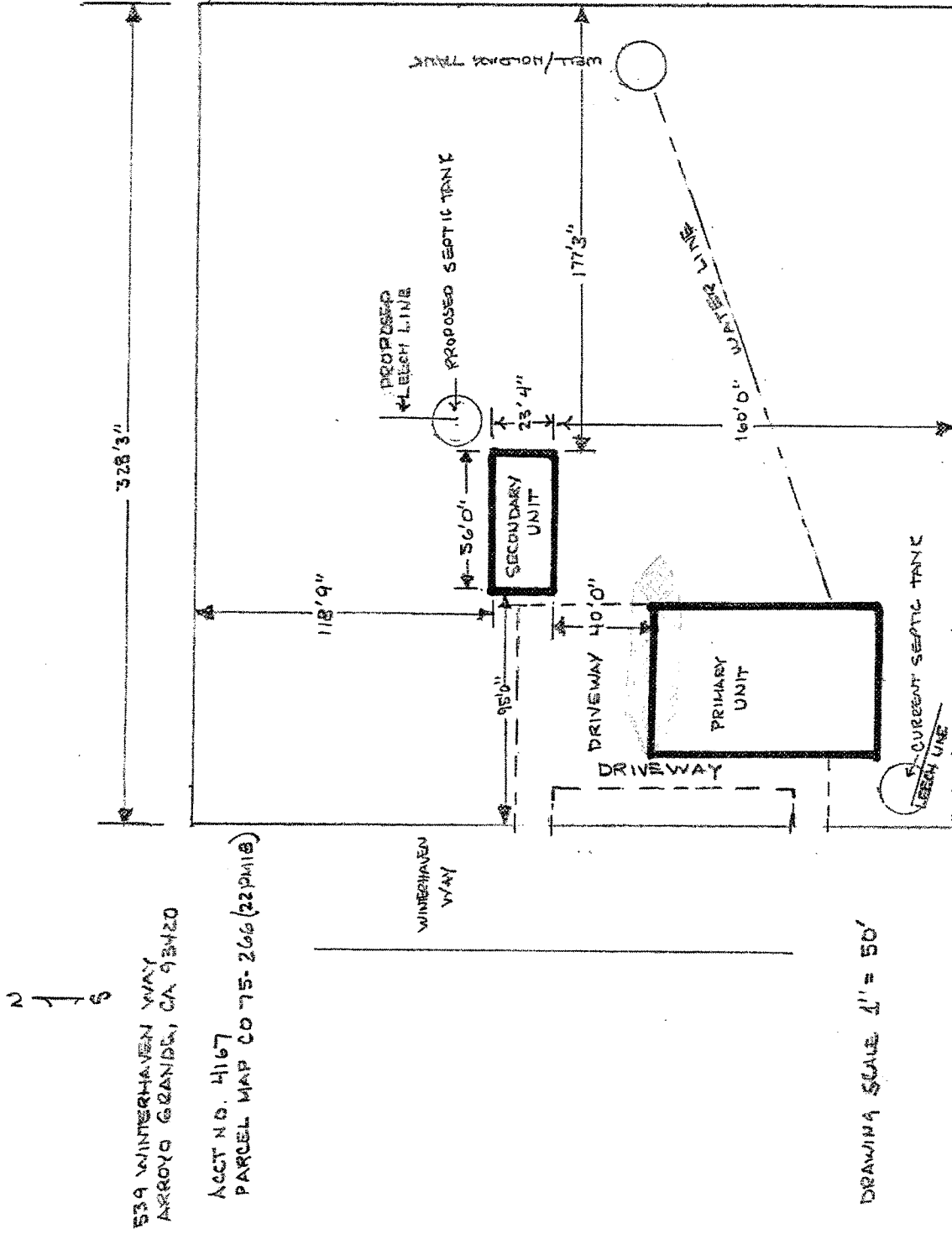
PROJECT

Minor Use Permit
Stafford DRC2005-00036



EXHIBIT

Aerial



539 WINTERHAVEN WAY
ARROYO GRANDE, CA 93420

ACCT NO. 4167
PARCEL MAP CO 75-266 (22 PM 18)

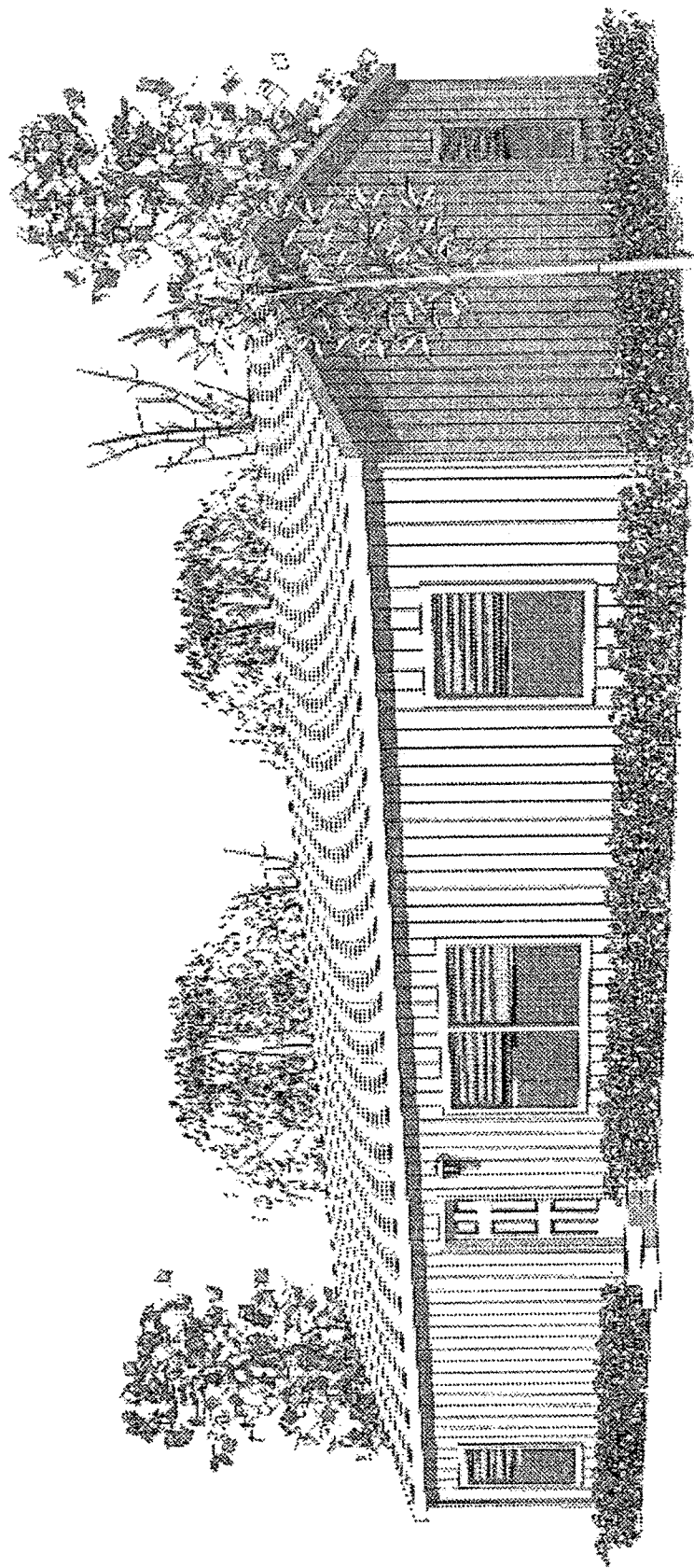
PROJECT

Minor Use Permit
Stafford DRC2005-00036

EXHIBIT

Site Plan





PROJECT

Minor Use Permit
Stafford DRC2005-00036

EXHIBIT

Elevation





mtc

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED

THIS IS A NEW PROJECT REFERRAL

SEP 07 2005

DATE: 9/1/05

TO: City of A.G.

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

FROM: ☒ - South County Team

☐ - North County Team

☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DPC 2005-00036 Applicant: Stafford
Minor Use Permit for site waiver of secondary dwellings. Located
off Winterhaven in Arroyo Grande. APT: 091-401-022-1031.
2.5 acre site.

Return this letter with your comments attached no later than: 9/16/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☐ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL

No comment.

9/12/05
Date

Kelly Heffernan
Name

473-5420
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>



Mike Conger
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 9/1/05
FROM: PW

SEP - 6 2005

FROM ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

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IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

RECOMMEND APPROVAL - NO PW CONCERNS

07 OCT 2005
Date

GOODWIN
Name

5252
Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>